

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a
Delaware Corporation; JEHANE
NOUJAIME, an individual; KARIM AMER,
an individual; THE OTHRS, LLC, a Florida
limited liability company; THE OTHRS
LICENSING CORP., a Florida corporation;
THE SQUARE, LLC, a New York limited
liability company; ISABELLA
CONSTANTINO, an individual; JOHN
DOES 1-10,

Defendants.

Case No. 4:23-cv-1611 (SEP)

**DEFENDANTS' JOINT MOTION
FOR EXTENSION OF TIME**

Defendants Home Box Office, Inc. (“HBO,” incorrectly sued as “HBO Home Entertainment Corp.”); The Othrs, LLC; The Othrs Licensing Corp.; The Square, LLC; Jehane Noujaim (incorrectly sued as “Jehane Noujaime”); and Karim Amer (collectively “Defendants”); by and through undersigned counsel, move pursuant to Fed. R. Civ. P. 6(b)(1) for a twenty-one (21) day extension of time to respond to the Complaint filed in this removed case through and including January 12, 2024. In support of this Motion and to demonstrate that good cause exists for such relief, Defendants respectfully state:

1. HBO was served with the Complaint in this case on November 15, 2023, and removed the case to this Court on December 15, 2023.
2. HBO engaged the undersigned only shortly before the removal documents were filed,

and the other Defendants named in this motion did so subsequent to removal.

3. The current deadline to file a responsive pleading to the Complaint is December 22, 2023.
4. Although Defendants are working diligently on a response to the Complaint, Counsel's other business—along with a planned vacation and holiday celebrations—will make filing a responsive pleading within the current deadline difficult to achieve. Furthermore, HBO personnel needed to assist in preparing a response have limited availability due to the holidays and pre-planned vacations.
5. Defendants request an additional twenty-one (21) days, through and including Friday, January 12, 2024 in which to respond to Plaintiff's Complaint herein.
6. All Defendants listed above intend to file a joint motion to dismiss, and for the same reasons they all join in this request that their respective deadlines to respond to Plaintiffs Complaint be extended to January 12, 2024.
7. This Motion is submitted in good faith and not for purposes of harassment or unreasonable delay. Plaintiff will not be prejudiced if this Motion is granted.
8. Through the undersigned, counsel sought consent for this Motion from Plaintiff by e-mailing him on December 15 at the e-mail address Plaintiff provided to the Court in his Complaint, but Plaintiff has not yet responded to that request. Plaintiff's position on the relief requested in this motion is therefore unknown.

WHEREFORE, having shown good cause for the same, Defendants Home Box Office, Inc.; The Othrs, LLC; The Othrs Licensing Corp.; The Square, LLC; Jehane Noujaim; and Karim Amer respectfully request an extension of twenty-one (21) days to respond to the Complaint in this case and asks that the deadline be moved to Friday, January 12, 2024.

Respectfully submitted,

Dated: December 19, 2023

By: /s/Joseph E. Martineau

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Kolten C. Ellis, #74451MO

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*Attorneys for Home Box Office, Inc., The
Othrs, LLC, The Othrs Licensing Corp.,
The Square, LLC, Karim Amer, and Jehane
Noujaim*

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all counsel of record via the Court's electronic filing system. I further certify that a true and accurate copy of the foregoing was delivered via electronic mail to the following party, who has consented in writing to service by such means pursuant to Fed. R. Civ. P. 5(b)(2)(F):

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Plaintiff, pro se

/s/ Joseph E. Martineau